

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:16-CR-324
	:	
v.	:	(Chief Judge Conner)
	:	
ANGEL LUIS CARRASCO-RIVERA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 28th day of August, 2018, upon consideration of the motion (Doc. 41) to vacate, set aside, or correct the sentence imposed by this court on July 26, 2017 filed by defendant Angel Luis Carrasco-Rivera (“Carrasco-Rivera”) pursuant to 28 U.S.C. § 2255, wherein Carrasco-Rivera requests the court reconsider its review of the sentencing factors outlined in 18 U.S.C. § 3553(a), and amend the sentence for his perjury conviction to run concurrently with his sentence for mail fraud, rather than consecutively,¹ (Doc. 42 at 2-5), and it appearing that courts may afford relief under Section 2255 on a number of grounds including, *inter alia*, “that the sentence was imposed in violation of the Constitution or laws of the United States” or that the sentence “is otherwise subject to collateral attack,” 28 U.S.C. § 2255(a), and the court observing that Carrasco-Rivera does not dispute that the decision to impose a sentence concurrent with, or consecutive to, an existing sentence is within the discretion of the district court, (Doc. 42 at 2); see also Setser

¹ The court sentenced Carrasco-Rivera to 18 months’ imprisonment for mail fraud. United States v. Carrasco-Rivera, No. 1:15-CR-311, Doc. 24 (M.D. Pa. Jun. 15, 2016). After he began serving the mail fraud sentence, Carrasco-Rivera pled guilty to perjury and was sentenced to 27 months’ imprisonment. (Doc. 38 at 1-2). The court ordered Carrasco-Rivera’s perjury sentence to run consecutive to his mail fraud sentence. (Id. at 2).

v. United States, 566 U.S. 231, 236-37 (2012) (citations omitted), and the court noting that the Section 3553(a) factors were meaningfully considered during Carrasco-Rivera's sentencing proceeding,² as were the parties' arguments for and against the court's consecutive and concurrent sentencing options, (Tr. 16:10-19:12), and the court declining to reconsider those same arguments in a Section 2255 collateral proceeding, see United States v. Stroman, 2018 WL 2766651, at *4 n.2 (M.D. Pa., June 8, 2018) (citing United States v. Orejuela, 639 F.2d 1055, 1057 (3d Cir. 1981)), it is hereby ORDERED that:

1. Carrasco-Rivera's motion (Doc. 41) to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 is DENIED.
2. A certificate of appealability is DENIED. See 28 U.S.C. § 2255, Rule 11(a).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

² The court reporter has provided the court with a draft transcript of the July 26, 2017 sentencing proceeding. Citations thereto are abbreviated as "Tr."